

# **LINCOLN PLANNING BOARD**

**MAY 28, 2008**

**APPROVED**

**The regular meeting of the Planning Board was held on Wednesday, May 28, 2008, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.**

**Chairman Mancini called the meeting to order at 7:04 p.m. The following members were present: John Mancini, Gerald Olean, Greg Mercurio, Jr., Michael Reilly, and Wilfred Ordonez. Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand and Joelle C. Sylvia for the Town Solicitor. Russell Hervieux kept the minutes.**

**Member John Hunt was absent.**

**Chairman Mancini advised that five members were present; have quorum.**

**Member Kenneth Bostic arrived at 7:09 pm.**

## **CONSENT AGENDA**

**Chairman Mancini reminded members that consent agenda has eight zoning applications and staff reports. A consent agenda is normally**

**voted on in total unless a member motions to remove an item.**

**Motion was made by member Olean to accept the consent agenda as presented was seconded by member Reilly. Motion was approved unanimously.**

## **MAJOR LAND DEVELOPMENT REVIEW**

### **a. Wellington Rd Office Building AP 28 Lots 135 Preliminary Plan**

**A.G. Morrow Investment, Co. Wellington**

#### **Road Discussion/Approval**

**Mr. Ranaldi stated that this application is a land development discussion on a commercial parcel of land regarding the development of an office building. The Planning Board has until July 15, 2008 to make a decision. This application has gone through the complete process and a review by the Area of Planning Concern committee. The APC report has been included within the TRC recommendations to the Board. The TRC reviewed this application and recommends approval with conditions. The TRC has three conditions of approval. The first condition is that the developer hire an independent professional engineer to oversee the construction of the retaining walls and sign off upon completion. The second condition is that the developer install fencing or wooden guard rail along the top of the retaining wall running the length of the building. This condition came out of the APC meeting for safety in the rear of the building. The third**

condition is that the developer obtains a permit from Narragansett Bay Commission for sewage discharge. The applicant has already agreed to place a heavy row of evergreen trees along the boundaries of abutting residential properties.

Nicholas J. Piampiano, Professional Engineer of Thalmann Engineering is representing the developer at this meeting. Mr. Piampiano stated that the developer concurs with the conditions of the TRC report. Mr. Piampiano also notified the Board that the developer does have approval from the Narragansett Bay Commission for the sewer tie in. The developer will furnish a copy of this approval to the Town. Member Olean questioned whether the independent engineer to oversee the retaining wall installation is different than the developers' engineer. Town Engineer N. Kim Wiegand responded to the question stating it does not need to be the same engineer but it certainly can be. This engineer will oversee the construction of the retaining wall to confirm they are installed properly. Mr. Ranaldi stated that in addition to overseeing the construction, this engineer will apply their stamp to the final report stating the wall was installed correctly. This removes the burden from the Town.

Motion was made by member Olean to accept the TRC recommendations for approval of preliminary plan with conditions was seconded by member Bostic. Motion was passed unanimously.

**Motion was made by member Olean to amend the Planning Board agenda to have item 9, Secretary's Report, be the next item for consideration and was seconded by member Ordonez. Motion was approved unanimously.**

## **SECRETARY'S REPORT**

**The Board was given one set of minutes to review. They are for April 23, 2008. The Town Planner Al Ranaldi stated that he has reviewed these minutes.**

**Motion made by member Olean to dispense with the reading of the April 23, 2008 minutes which was seconded by member Reilly. Motion was approved unanimously.**

**Motion made by member Olean to accept the minutes of April 23, 2008 as presented was seconded by member Reilly. Motion was approved unanimously.**

### **b. Highlands at Lincoln AP 31 Lots 38 & 40 Public Hearing**

**Lincoln Development, LLC George Washington Hwy Preliminary Plan**

#### **Discussion/Approval**

**Chairman Mancini called the public hearing to order at 7:15 pm. Chairman Mancini called to have the secretary read the abutter's list**

for a roll call. The secretary completed the roll call and notified the Board that three signature cards were not returned and two notices came back as undeliverable. The Town Solicitor was notified of this prior to the meeting. Joelle C. Sylvia notified the Board that the applicant can proceed at their own risk. The applicants' attorney stated they would proceed at their own risk as this project has been noticed several times previous to tonight.

Mr. Ranaldi stated that this is a public hearing for a commercial parcel of land. The applicant received a certificate of completeness on April 14, 2008. The Planning Board has until August 12, 2008 to make a decision. This project is a 172,000 square foot independent and assisted living facility on George Washington Highway. This facility will be situated on 12.2 acres of land which is zoned BL-0.5. There will be 112 independent care units, 60 assisted living units and 6 single independent living cottages. The applicant has received a Special Use Permit from the Zoning Board and relief for height of the building and parking. The main access is through the signalized lower entrance to the Lincoln Mall. The TRC and the engineering division reviewed the plans. The Area of Planning Concern also reviewed the project on May 21, 2008. The APC offered a positive recommendation. The TRC feels the applicant has successfully addressed all of their issues and barring any issues that may come up at the public hearing, recommends approval of the preliminary plan with conditions. The TRC has seven conditions which are spelled out in their report to this Board. The applicant has shown the

**TRC a plan for improvements at the four way intersection which satisfy the TRC concerns. Blasting was a concern of the APC and the applicant has agreed to a pre blast survey of all 200 foot abutters of the subject parcel**

**Peter Ruggiero, Attorney for the applicant made a brief presentation to the Board. Mr. Ruggiero introduced all the parties that were available this evening on behalf of the applicant. Mr. Ruggiero stated that the applicant is here this evening requesting preliminary plan approval. Some minor changes were made to the plans to address the APC concerns. The easement agreements have not been given to the Town Solicitor as of yet but the applicant will be prepared to do that shortly. The applicant has no objections to the conditions in the TRC report.**

**Scott Lindgren of PARE Engineering made a presentation. Mr. Lindgren stated that the applicant is before the Board at the preliminary plan stage. The project is for a 172,000 square foot senior residential community. There will be 172 units in the main building of which 60 will be assisted living. There will also be 6 cottage style units separate from the main building. We have gone to the Zoning Board for their approval. We received a special use permit for a total of 180 units, a dimensional variance for building height and a dimensional variance for the number of parking spaces. Tonight we are proposing a total of 178 units because 2 cottage style units were dropped for site constraint reasons. The applicant would like to keep**

the approval for 180 units possibly adding 2 more units to the main building if possible. The proposed property is located off George Washington Highway. The main access to this project will be off the lower signalized entrance to the Lincoln Mall. The applicant met with the Lincoln Mall owners and has come up with a solution for modifications to the four way intersection which this project will create. These modifications seem to meet the concerns of the TRC and APC regarding this intersection. Permits from RIDEM, Lincoln Water Commission and Narragansett Bay Commission are all under way. We have addressed the circulation of parking issues as well as emergency access to the site. The fire department has reviewed and accepted our proposals. There will be a total of 195 parking spaces on site which agrees with our commitment with the Zoning Board. One of the main concerns we have heard from the Board and residents is blasting. Ed Morris will be making a blasting presentation to the Board tonight to hopefully alleviate some of these concerns. Blasting permits are issued by the State of Rhode Island. The applicant will follow all State guidelines in the blasting operations.

Mr. Ranaldi reminded the Board that the TRC did an extensive review of the sidewalks as well as the four way intersection. Due to the severe incline of the entrance road, the demographics that this facility will cater to and the lack of sidewalks where this road will tie into the Lincoln Mall, the TRC felt that there was no connection and a remote likelihood that the residents would use the sidewalks. Therefore, the

**TRC recommends against having sidewalks along the entrance road to this site.**

**Ed Morris of Royal Star Partners who is the developer of this project spoke to the Board. Mr. Morris stated that the developer has reviewed the procedures for blasting as this is an issue of great concern. Mr. Morris presented the Board with a document outlining State procedures and requirements for blasting operations. The State Fire Marshall controls and is the only authority that can issue blasting permits. The regulations stress safety to the public and all workers. Applicants must submit a detailed blasting plan along with what registered contractor will perform the blasting. Testing is required before, during, and after blasting is performed. Preblast surveys are required for all structures within 200 feet of the blasting area. Notification to all properties within 500 feet of the blasting area is also required. The State has extensive regulations in place for blasting and the developer is committed to meeting and/or exceeding these requirements.**

**Chairman Mancini opened up the meeting for public comment on this application at this time. There were no members of the public who came to speak. Motion was made by member Olean to close the Public Hearing for Highlands at Lincoln was seconded by member Reilly. Motion was passed unanimously.**

**Member Bostic made some comments in regards to the sidewalks.**



**Mr. Bostic questioned whether the Board should get an opinion from the Police Chief or Town Public Safety Official on this issue. Member Mercurio felt that sidewalks should be part of this type of development. Member Olean, who supports sidewalks, agreed that if the Board receives a letter from whoever is in charge of public safety in the Town about the lack of need for sidewalks on this development then it would be easier for the Board to make a decision. The Public Works Director is the public safety official. Member Mercurio stated that any letter received would be an advisory opinion to the Board and it is ultimately up to this Board to make a decision on sidewalks. Mr. Ranaldi spoke of the reasons that the TRC recommends no sidewalks. The first reason is the grade on the entrance road is very challenging. The second reason is this sidewalk would go to nowhere as the area where this road ties in to the Mall road, there is no sidewalks. The third reason is the age population of this residence and the fact that the facility provides transportation. There are sidewalks within the development for the seniors to take walks on. Member Reilly agreed with the TRC as being a safety issue to encourage walkers up that entrance road. Chairman Mancini stated he also agrees with the TRC as sidewalks in this particular case could be a detriment to this development.**

**Motion made by member Mercurio to solicit opinions from the Public Works Director, Fire Chief and Police Chief on the matter of safety of sidewalks on the entrance road was seconded by member Reilly. Motion was amended to include acceptance of TRC recommendations**

for preliminary plan approval with the condition that decision on sidewalks be made at Final Plan stage. Member Reilly seconded the amendment. Motion was approved unanimously.

## **MAJOR SUBDIVISION REVIEW**

### **a. Riverfront Major Subdivision AP 45 Lot 53 Maintenance Bond DOSCO, Inc. Angell Road Review/Approval**

Mr. Ranaldi stated that this is a major subdivision of one lot into five single family lots. The applicant has successfully installed all public improvements. These public improvements have been reviewed and approved by the Town. The developer is looking for an approval on the maintenance bond. The bond is for the top course of asphalt on the roadway, granite bounds, street trees that do not survive at least one year and loam and seed in the public right-of-way. The Town Engineer calculated the bond to be \$38,200.00 for one year. The TRC reviewed the bond and record plan and recommends approval of this request. Final plan approval has already been delegated to the Administrative Officer.

Motion made by member Olean to accept the TRC recommendation for a \$38,200.00 maintenance bond was seconded by member Mercurio. The motion was approved unanimously.

### **b. Robertson Subdivision AP 23 Lot 4 Master Plan**

## **Robert & Jean Robertson Great Road Discussion/Approval**

**Mr. Ranaldi stated that this application is under the 2005 subdivision regulations. This application represents the subdivision of one lot into three residential lots. This project is classified as a major subdivision because a dimensional zoning variance is required for an existing house on the property. The property is accessed from an existing roadway, Great Road. The property has access to public sewer and water. The subject property is located in zoning district RS-20. The Board has until September 17, 2008 to make a decision. The TRC and the Town Engineering Division reviewed the submitted plans and have the following concerns. There are wetlands on the back end of the property and would require a letter from RIDEM. Though water is available, Lincoln Water Commission would like the existing house at 1011 Great Road to be upgraded. This would include a meter pit with a backflow preventer at the property line. The existing well must be abandoned per RIDEM groundwater standards. The property has sewer availability even though the existing house is not connected. The existing house must either connect to public sewers or show the location of septic system on the plans. This project would require an approval from Narragansett Bay Commission. One of the greatest concerns is the sight distance for the new lots along Great Road. The sight distance for the proposed driveways does not appear to be adequate according to a site examination by the Town Engineer. This is a State owned road which would require a Physical Alteration Permit for the driveway access.**

**There is some ledge and vegetation that is affecting sight distance. We bring up this concern to the Board even before the State has reviewed this plan for a PAP. The TRC feels that most of the concerns are minor in nature however the TRC would like to point out the sight distance concerns as it relates to the proposed access points. The TRC does recommend that this application move to a Public Informational meeting in June.**

**Town Engineer N. Kim Wiegand explained that there are national standards that are used for determining proper sight distance. She also stated that the sight distance on this project appears to be below those national standards. Ms. Wiegand believes there are possible ways to remedy the situation**

**Stephen Long, professional land surveyor of MLC Surveying spoke to the Board representing the applicant. The applicant will stipulate to having a traffic engineer review this project for sight distance and make recommendations for a remedy. Mr. Long stated he believes he can get a report from a traffic engineer by the next meeting.**

**Motion made by member Olean to accept the TRC recommendation to move this application to a Public Informational meeting in June was seconded by member Bostic. Motion was approved unanimously.**

**COMPREHENSIVE PERMIT**

**a. The Residences at Stone Creek AP 20 Lot 15 Master Plan  
Breakneck Hill Development, Inc. Breakneck Hill  
Rd. Discussion/Approval**

**Al Ranaldi explained the difference of a comprehensive permit verses a major subdivision to the Board. This application is under the 2005 subdivision regulations, Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the Town Comprehensive Permit ordinance. The applicant has been working with the Town Planning Department and this application was certified as being complete today. The letter of eligibility was received from Rhode Island Housing. This application will go through the normal six stage review process but it is a comprehensive permit so the Board must also consider the affordable housing element. This application will require a use variance for a senior residential community in a single family zone. This application will also require some dimensional relief for rear yard setback. Both of these variances can be granted by the Planning Board by State law under a Comprehensive Permit. The applicant is also looking for relief on the length of the road. This will be a condominium project so the Town will not own the road. The applicant is requesting a waiver on the width of the road and the curbing. The TRC reviewed this as a condominium project and all facilities within the project will be privately owned by the Home Owners Association. The TRC did consider public safety when reviewing these plans. The fire department reviewed this plan and feels comfortable with it.**

**Mr. Ranaldi further stated that this is a 70 unit condominium project, 18 of which will be deeded as affordable units. This project is also a 55 and over senior residential community which will limit the school children living here. The impact to the Town should be minimal per this plan. The plan calls for 26 duplexes and 3 six unit buildings with associated driveways and underground utilities. The TRC reviewed this plan and had some concerns. A list of Planning Board waivers would need to be supplied. We would also need a more detailed analysis of the application and how this project complies with the Lincoln Affordable Housing Production Plan. The TRC felt there was enough information supplied to come before the Board tonight under a master plan.**

**Chairman Mancini had some comments. The certificate of completeness was awarded today which gives the Board until September 28, 2008 to make a decision at master plan level. Chairman Mancini mentioned that before the State law changed the Comprehensive Permit would be handled by the Zoning Board. The Zoning Board would then request an opinion from the Planning Board. Chairman Mancini felt the Board should now ask for an opinion from the Zoning Board before making a decision.**

**Member Mercurio recalled an emergency Planning Board meeting was held last year on a development proposed for this parcel of land. At that meeting the Town expressed no interest in multifamily**

housing on this parcel. Member Mercurio questioned the Town Planner about this proposal. Mr. Ranaldi explained that the difference of opinion is that the past developers would not agree to public improvements. This developer is proposing to install a low pressure sewer force main in conjunction with the YMCA. YMCA and this developer will install the force main to the gravity sewer currently installed in Breakneck Hill Road. In addition to this installation the developer has agreed to upgrade the East Butterfly pump station. The upgrade would have to meet with the Town sewer department specifications. Member Mercurio inquired as to whether there still remains a deficit of affordable housing in Lincoln. Mr. Ranaldi explained there remains a deficit of approximately 3%. This project will bring the Town closer to reaching its' 10% affordable housing goal. Member Mercurio expressed a concern on the inconsistency of numbers in the different reports as part of this application. Mr. Ranaldi explained that the applicant is still working out issues with Rhode Island Housing. At a point in the near future these issues will be worked out and the application documents will be corrected.

John S. DiBona, attorney for the applicant made a presentation to the Board. Mr. DiBona introduced all the professionals available tonight for the Board. This application proposes a 70 unit condominium project which will be a senior residential community. Eighteen of the seventy units, or 25%, will be deeded as affordable units. The application before the Board this evening is for a Comprehensive Permit under RI General Law 45-53 and Town of Lincoln ordinance

**06-08. The applicant submitted a binder to the Board which covers the required information for a Comprehensive Permit application. The most important part of this submission is the letter of eligibility from Rhode Island Housing. The main relief this applicant is requesting is the use relief under the Town Zoning Ordinance. The secondary relief this applicant is requesting is rear yard setback relief. The property abuts State property with no residences being affected. The other minor requests for relief will be presented at the next stage of review. The application also included all documents required for a master plan submittal. An impact report will be submitted to the Board at the next stage to show how this project impacts or doesn't impact the Town services. A traffic impact study has also been included with this application as part of the Town ordinance requirements. The applicant is asking for relief on the time requirement for a signage plan. The applicant hopes to have it ready for the next stage of review. The application as it has been submitted meets the State and local requirements for a Comprehensive Permit application at the master plan stage.**

**Member Mercurio had some questions for Attorney DiBona. Member Mercurio inquired whether Break Hill Development LLC is the same as Break Hill Development Inc. Attorney DiBona explained that this was a typographical error and they are one in the same. Member Mercurio inquired as to who the principle owners of Break Hill Development LLC are. Attorney DiBona replied that Kenneth Bock and his son Daniel Bock are the owners. Attorney DiBona further**



**explained that Kenneth Bocks' wife is the equity stock holder.**

**Chairman Mancini spoke to the Board members about the procedures of how this application will proceed. Chairman Mancini felt that full reports were not necessary at tonight's meeting as most of the members have not fully reviewed the comprehensive permit package. It is important that the applicant is ready to move to a Public Informational meeting. The reports will be discussed in detail at that meeting.**

**Member Olean questioned as to how the Board can regulate subdivision regulations on private property such as road width. Chairman Mancini replied that the Board has the authority under public health and safety. Attorney DiBona agreed with the Chairman and stated the applicant will ask for waivers for those sections of the regulations. Member Mercurio expressed concerns about a waiver on road width. Roadways less than 30 feet wide with parking allowed on the street can be difficult to traverse. Perhaps a narrower road would need to have no parking on the road.**

**Kenneth Bock of Break Hill Development spoke briefly to the Board. Mr. Bock explained that the costs shown in the package for developing this site are good faith estimates. The developer took steps to make the costs as accurate as possible for everybody concerned. Mr. Bock stated that the duplexes will have basements the other buildings will not. Mr. Bock also explained that this project**

would be developed in one phase.

Motion made by member Olean to accept the TRC recommendations to move to a Public Informational meeting in June was seconded by member Bostic. Motion was approved unanimously.

Chairman Mancini appointed member Bostic to be the Planning Board representative to the TRC.

Motion was made by member Reilly to adjourn which was seconded by member Olean at 9:02 pm. Motion was approved unanimously.

Respectfully submitted,

Russell Hervieux